

BOARD OF DESIGN REVIEW MINUTES

February 19, 2004

CALL TO ORDER: Vice Chairman Hal Beighley called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Vice Chairman Hal Beighley; Board Members Jennifer Shipley, Jessica Weathers, and Stewart Straus. Board Members Cecilia Antonio, and Chairman Mimi Doukas were excused.

Senior Planner John Osterberg, Associate Planner Liz Jones, and Recording Secretary Sheila Martin represented staff.

VISITORS:

Vice Chairman Hal Beighley read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

STAFF COMMUNICATIONS:

Senior Planner John Osterberg stated for the record that the Federal Heights Design Review and Tree Plan have been withdrawn by the applicant; therefore, there will be no public hearing for these applications.

OLD BUSINESS:

CONTINUANCES:

1. DR2003-0070 – FEDERAL HEIGHTS MULTIFAMILY DEVELOPMENT – DESIGN REVIEW III
2. TP2003-0032 - FEDERAL HEIGHTS MULTIFAMILY DEVELOPMENT – TREE PLAN II

(Continued from February 12, 2004)

The applicant requests Design Review approval for the construction of a 60-unit multi-family residential development. The proposal includes six (6) buildings in three (3) clusters designed in a colonial manor style. Each cluster includes an associated elevator structure. The clusters include one building to be three (3) stories and one building to be two (2) stories. Building height is not to exceed 35 feet. Internal parking courts will be located within each building cluster. The

existing home is proposed to be retained. A Tree Plan Two application is proposed for the removal of site community trees.

As stated by staff, the Federal Heights applications were withdrawn by the applicant on February 19, 2004.

NEW BUSINESS:

PUBLIC HEARING:

1. DR2003-0164 - LA FITNESS AT CEDAR HILLS CROSSING
The applicant is requesting Design Review Three approval for the construction of a fitness center building to be approximately 41,300 square feet in size. The building is proposed to contain approximately 38,290 square feet on the ground floor with a mezzanine level that is proposed to contain approximately 3,000 square feet. The proposal includes associated vehicular parking and landscaping improvements.

Associate Planner Liz Jones presented the Staff Report and material board and briefly explained the purpose of the application. Concluding, she recommended approval of the application and offered to respond to questions.

APPLICANT:

Mark Perniconi representing CE John Company, Inc., introduced Alisa Pyszka with WRG Designs, Inc. He expressed his appreciation to Ms. Jones and Mr. Osterberg for their efforts in preparing the Staff Report and concurs with said report. Beginning with Cedar Hills Crossing Mall, he explained that they are close to completion on the Cedar Hills frontage, with two exceptions: Starbucks will be relocating to the north mall entry, and secondly, the applicant is in the process of filing an application with the Emporium Building, to truncate the first 80 feet of the building by extending the parking lots, and bringing pads out to Cedar Hills to improve the site. He explained that said building will most likely be a multi-tenant building versus the previous use of the building. He observed that the work is currently concentrated on the west side of Cedar Hills Crossing, noting that the exterior work and the mall link to the west side will be open for business by the end of February. He pointed out that the outside work is fairly weather dependent, adding that this will be completed by mid-March. He explained that they're attempting to have the theater and another small retail building on the west side open by Thanksgiving. He stated that when they purchased the Tektronix parcels, it had been their intent to bring the four sided area into one unified development, and to add non-existing uses, principally in the form of restaurants. He noted that the main objective is to combine the proposed fitness center building with the associated mall and theater development. He pointed out that the site consists of vacant land and is surrounded by wetlands on the south and east sides.

Alisa Pyszka with WRG Designs, Inc., explained that because there is not a lot of loading activity for a fitness center, the applicant is providing one loading berth, and are working closely with staff to receive approval for the Load Determination application.

Mark Perniconi demonstrated with the exhibits noting the improvements on the intersections of Hocken and Jenkins. He discussed the main entry of the building and referenced the rotunda structure. He explained that the parking surrounds the building and that the stays are close to a 1½ hour turnovers in the course of the day. He demonstrated that they lengthened the building to the street with a pedestrian link at the corner on Jenkins and Hocken, and stated that traffic wise, the main entrance is in an awkward spot, indicating that this is primarily due to the site line issues to access Hocken. He noted that they are currently working with Washington County to receive a right-in-right out off SW Jenkins, but have been denied thus far. He pointed out that they have submitted an alternative on the Board of Design Review's plans, and explained that the applicant is requesting an approval of an emergency exit with turf block and a gate.

Referring to the plans, Ms. Weathers observed that the elevations were not protecting anything except for adding articulation and questioned whether the canopies were added for that purpose.

Mr. Perniconi responded that there's articulation coming in and out fitting within the recesses between the masonry articulations.

Vice Chairman Beighley questioned if there was cables from the top of the canopies going back to the walls.

Mr. Perniconi responded that it's a structural element at an angle.

Ms. Weathers suggested having a trellis with vines growing up to add some green to the design.

Mr. Perniconi responded that there is a significant amount of landscaping around the areas where there are windows, noting a dense landscaping area between the sidewalk and the building wall.

Ms. Weathers questioned whether the landscaping is in front of the canopy.

Mr. Perniconi responded that they are up against a buffer on the east face, noting that there's nothing they can do there since they are right up against the buffer. The buffers are going to be enhanced to Clean Water Standards, but not the landscaping.

Ms. Weathers observed other architectural elements that are not functional, particularly on the north elevation. She stated that there's no need for a canopy on the north elevation when there are not windows beneath them.

Mr. Perniconi responded that none of these canopies are functional in that sense, and that the problem with the east space is that they could not have any windows or openings that are effectively against the wetlands. He stated that they wanted some articulation near Jenkins, noting that it will be ten to fifteen years before the wetlands provide any type of screening, and in doing this they will break up a large wall, using a plaster in fill with different colors and different modulation of the wall itself.

Ms. Weathers expressed that she thinks the rest of the development is nice, but she believes they could use something different like a trellis with greenery growing up instead of the canopy in that same spot.

Mr. Perniconi responded that they are limited to what they can plant there and have to go by what Clean Water allows them to buffer.

Ms. Weathers observed that the right side of the south elevation appears impractical, noting the canopies underneath windows. She stated that she would rather that they be eliminated.

Mr. Perniconi responded that due to the padded parking on the whole row of the south elevation the canopies do serve a purpose.

Ms. Weathers questioned how the canopies would serve a purpose along the south elevation.

Mr. Perniconi responded that the canopies would provide shelter, akin to the west façades and all of the retail space.

Ms. Weathers stated that she can understand if there was a continuous canopy, but does not agree with the applicant that the canopies are provided for shelter. She expressed her opinion that the canopy is an element attached to the side of the building that serves no purpose.

Mr. Straus observed that the continuity is added to provide architectural features to the rest of the development.

Mr. Perniconi responded that that is how they mitigate the impact of a significant stretch of no windows, noting that they to have sure walls, making the sure walls mimic of fenestration with score lines and plaster with a brick surrounding. He noted that there are canopies over each one of these locations, most prominently on the west side.

Mr. Straus expressed his opinion that they could elevate the canopies to the point where they do provide a shading function for the windows,

Mr. Perniconi responded that he doesn't believe that the windows are visible, and that it is scored stucco. He noted that the windows that are truly windows are around the brick surrounds, where there is no shading devices at all. He explained that the windows are

positioned from the inset on the face of the walls and that there's a significant planting area that they wanted outside for viewing a heavily landscaped plaza.

Ms. Weathers explained that while she concurs with Mr. Perniconi's idea of a canopy to protect pedestrians while they are walking to and from the building in the rain, she still believes that the canopies do not function in that way at all.

Mr. Periconi responded that the canopies are architectural and that they are not functional.

As the applicant had stated previously, Ms. Weathers noted that a canopy to protect pedestrians into the building would look very nice there.

Mr. Periconi responded that the entry way has a significant amount of cover.

Ms. Weather questioned if the parking laps around the building on the elevation.

Mr. Perniconi responded that there is parking lapping around the building on all three elevations other than the east elevation.

Ms. Weathers suggested that a canopy could be provided around the building to protect the pedestrians, explaining that they would be using a canopy in the way that it makes sense; she added that this would still be an element that would create some continuity between that and the rest of the development. She expressed her opinion that what the applicant had provided in his plans regarding the canopies is an appendage tacked on to the building for no reason, and that it serves no purpose. She suggested that the applicant use vertical trellises in areas that are painted orange with jasmine growing up it or evergreen clematis; something to provide articulation, and at the same time is pleasant looking and less expensive.

Mr. Perniconi responded that he would rather be persistent in staying with the substantial landscaping plan that has been presented to the board.

Ms. Weathers stated that she is trying to offer suggestions that would actually make sense, serve a purpose, and add a mellow tone and some shadow lines. She noted that there are other ways to enhance this elevation.

Mr. Perniconi responded that they have worked very hard throughout the Cedar Hills development to not put contrived architectural elements up the side of buildings to break up faces. He stated that while he understands what Ms. Weather's is saying about the trellises and the plantings, he feels that this is the antithesis of how they are trying to approach their landscape plan from a coordinated standpoint from Hall Street all the way to Jenkins.

Vice Chairman Beighley asked if anyone else had any comments.

Ms. Shipley expressed her opinion that when looking at the planting plan, if the plants were added into the elevations it might make the grade look totally different, stating that she doesn't think the elements are going to be as dominant with some of the landscape worked in there. She added that with the trees and shrubs growing, it softens the appearance and if it was indicated on the plan it would certainly seem to make more sense.

Mr. Straus stated that he does not have a problem with the way the building is articulated in general. He believes that trying to put a continuous canopy of some kind on there for pedestrian protection would create some serious difficulties with the way the building looks. He noted that the elements that are currently designed as canopies could have been done as some other type of thing so they didn't give a false connotation. He expressed his concern regarding the idea of using a canopy as a means of articulation of the building where it has no other purpose, but if there isn't anything else that could be done in lieu of that, then a canopy as an element is different than some other shape, form or treatment implying that either it's providing protection of some kind or if it is providing protection where none is appropriate. He stated that he would not consider it to be something severe enough to warrant the board not approving it, but at the same time it just seems awkward, and if there are no alternatives that will achieve the desire and articulation, then this may be a reasonable compromise.

Mr. Perniconi suggested another element that defines a horizontal scale. He pointed out the portal at the front entry, noting that elevation carries through with all other canopies.

Mr. Straus stated that this is close, but indicated that if the horizontal band at the entry way was the same type of design element, then he agrees that this makes sense. He explained that the applicant is using something that has continuity around the building and is at the same elevation, but questioned how the horizontal bands are constructed.

Mr. Perniconi stated that the horizontal bands are sitting on a series of columns, and go around the rotunda. He noted that they are trying to bring the scale of the height down to place a horizontal band.

Mr. Straus suggested that in lieu of the series of individual canopies, the applicant can use a similar type of horizontal element at the same elevation and let them run continuously within each grouping of the elements so they can tie together in different places.

Ms Weathers suggested that they put canopies at the same level as the canopy located on the main entrance, noting that this would add articulation.

Mr. Straus noted that perhaps staff might comment on how this issue can be resolved either with some kind of condition of approval or other action.

Mr. Osterberg stated that staff's response is first to note that they have not taken any public testimony and that it is prudent to take public testimony after the board makes a

conclusion; the applicant will have the opportunity to rebuttal should there be any public testimony. As far as any alternatives or approaches on this matter, he suggested that the Board try to tailor some specific design improvement or change the elevations and then direct that to the applicant; the applicant can design it accordingly and the plans can be presented to staff. He suggested that as an alternative, the Board could ask for a continuance to hear this application at another time.

Mr. Straus commented that if the Board feels that a continuance is an option, and offer this to the applicant, they basically can let the applicant know what the intent of that is to address a particular issue.

Mr. Osterberg responded that there can be a continuance to resolve the stated purpose to resolve a certain matter.

Mr. Straus questioned if there was a way the Board can approve the project with the requirement that a revised elevation be submitted for further review.

Mr. Osterberg responded that the City Attorney advises the staff to always remind the Board, Planning Commission and Council that they cannot approve an application and then reverse their decision. He stated that after the public hearing and deliberation, the Board may choose to consider a condition of approval or denial of the application; either way the Board has to identify which criteria, or design review criteria that they are basing their findings on. Referring to this particular application, he noted that staff has been reviewing the Staff Report and omitted the criteria listed, adding that there is precious little that speaks directly to the matter as building aesthetics. He observed that the closest criteria staff has is the Design Review Criteria No. 4 as noted in the Staff Report; this criteria does reference the design and location of buildings and structures, and asks that the Board make a finding that will be compatible with either existing buildings or future buildings that are expected to be developed in that area. He stated that the issue of building aesthetics or exterior design has more to do with the need for compatibility of buildings and sites that are in the nearby vicinity.

Vice Chairman Beighley asked if there were anymore questions of the applicant.

Alisa Pyszka explained the Clean Water Services approval of the sensitive area buffers with this application and their general approvals of the buffer areas. She noted that Clean Water Services are requiring the applicant to place a fence within the sensitive area so that the area can be removed from the workings of the LA Fitness site. She demonstrated that they are proposing a fence along the wetland buffer, and the fence will be tied into the building with gates that will allow for fire access. Per Clean Water Services approval the applicant is going to bring the fence along to protect the wetland and sensitive area to about two feet off the sidewalk and then enclose around the sensitive area on Lot 5 as well. She noted that staff has requested that the applicant discuss with the Board in terms of height regarding the fence. She stated that the applicant is envisioning a black vinyl chain link fence to blend in with the landscaping which will be screened by landscaping. She indicated that Clean Water Services does not specify the height of the fence and they

are proposing a height of five feet to provide screening and protection for the sensitive area; this will also provide a security element for the parking as there have been transients in the area and it will be more of a dark wetland area.

Don Armstrong, operator of the McDonald's at the Cedar Hill Center on Cedar Hills Blvd., stated that he has provided the Board a copy of his written testimony, and would like to have it submitted for the record. He extended on his written testimony adding his perspective on the discussion with regard to the aesthetics of the building and the structural elements that the Board discussed previously.

Vice Chairman Beighley asked if there was any other testimony.

Mr. Perniconi thanked Mr. Armstrong for his support and for working with the staff to arrive at a creative and functional solution to the access problems at McDonald's.

Ms. Jones noted that the applicant submitted to staff on February 19, 2004, items that satisfy the conditions identified in the Staff Report, and recommended that the Board delete the conditions of approval identified in the staff report that have been satisfied. She noted that the applicant submitted a lighting plan that demonstrated the necessary levels of illumination, and recommended deletion of Condition of Approval No. 23 of the staff report. In addition, she noted that the applicant has also satisfied Facilities Review Committee conditions of approval Numbers 2, 3 and 17.

Mr. Straus pointed out that the Board cannot do anything in regards to the Facilities Review Condition of Approval. He explained that he's not sure that's necessary for the Board to be dealing with any of the Conditions.

Ms. Jones responded that with the new Code, the Facilities Review Committee makes a recommendation to the Board adding that these are recommended conditions and will be adopted with the Land Use Order subject to the changes the Board may make to them.

Referring to page 9 of 12 of the Facilities Review Report, under Section B, staff recommended striking out Condition No. 2 and No. 3 regarding the lighting plan, which is a duplicate condition. On page 11 of 12, staff recommended deletion of No. 17 regarding the unobstructed sidewalk dimension, adding that the applicant modified their plan to change the stalls to compact.

Vice Chairman Beighley asked if there was any discussion prior to motion making for the Board.

Mr. Straus asked his fellow commissioners how they consider the elements as far as approval is concerned.

Ms. Weathers responded that she would like to have a continuance to submit revised elevations and show some other articulation.

Ms. Shipley expressed her opinion that the elements do compliment the mall and the other areas, and that the elements provide continuity.

Ms. Weathers expressed her concern regarding the elements stating that they do not make architectural sense, stating that there are many other solutions that would work.

Mr. Straus stated that the canopies seem awkward to him, but he does not feel that they are sufficiently a problem to warrant not approving the project. He noted that what the applicant proposed is exactly the way he would like to see it; he wouldn't consider what they've done to be irresponsible or outrageous and he doesn't believe that their charge under the conditions and the criteria allow them to be quite as particular about these things as the comments that were offered earlier. From his perspective, although it's not precisely what he would necessarily like to see, he cannot find a basis for saying that it should be changed or that the Board should not approve it.

Vice Chairman Beighley concurred with Mr. Straus's statement, adding that he's had a difficult time not approving this application due to the way the canopies appear. He noted that had the plant material been reflected against the building and the elevation, then the Board would see something different than what they see, which is the building itself.

Mr. Straus **MOVED** and Ms. Shipley **SECONDED** a motion to **APPROVE** DR 2003-0164 – LA FITNESS AT CEDAR HILLS CROSSING based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 12, 2004, including Conditions of Approval Nos. 1 through 23, with the following deletions:

- Deletion of Condition No. 23 in the Staff Report.
- Deletion of Condition B2 and B3 of Facilities Review Committee on page 9 of 10.
- Deletion of A17 of the Facilities Review Committee on page 11 of 12.

Vice Chairman Beighley questioned the staff whether the Board needed to reference the fence that was mentioned in the closing remarks.

Ms. Jones responded that if the Board finds that the applicant's proposal of the 5 foot fence height to be acceptable, then they can state that in their motion.

Mr. Straus **MOVED** and Ms. Shipley **SECONDED** to add a new Condition No. 23, to replace the old one, that a 5 foot vinyl coated chain link fence shall be installed from the north property line to the northeast corner of the building, and from the southeast corner of the building to the southwest property line and also along the Hocken frontage to the south of that point, and around the south side of the wetlands area as required by Clean Water Services.

Motion **CARRIED** by the following vote:

AYES: Straus, Shipley, Weathers and Beighley.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio, Doukas, and Nardozza

APPROVAL OF MINUTES:

The minutes of January 29, 2003, as written, were submitted. Mr. Straus **MOVED** and Vice Chairman Beighley **SECONDED** that the minutes be adopted as written and submitted.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:46 p.m.

